

1001883 - Court - A - Unit
 MICHAEL B. SOSNA
 3210 ZEBULON ROAD
 ATTORNEY AT LAW
 ROCKY MOUNT, NC 27804

IN RE
 DANNY RAYMOND CLARK
 101 LENWOOD COURT

KILL DEVIL HILLS, NC 27948
 SSN or Tax I.D. XXX-XX-8745

Chapter 13

Case Number: 10-01883-8-RDD

CRYSTAL LYNN CLARK
 101 LENWOOD COURT

KILL DEVIL HILLS, NC 27948
 SSN or Tax I.D. XXX-XX-7946

United States Bankruptcy Court
 1760 Parkwood Boulevard
 Courtroom Room 101
 Wilson, NC 27893

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Richard M. Stearns, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 07/16/2010, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
 Eastern District of North Carolina
 1760-A Parkwood Blvd
 Wilson, NC 27893

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):
 DANNY RAYMOND CLARK
 101 LENWOOD COURT
 KILL DEVIL HILLS, NC 27948

 CRYSTAL LYNN CLARK
 101 LENWOOD COURT
 KILL DEVIL HILLS, NC 27948

Attorney:
 MICHAEL B. SOSNA
 3210 ZEBULON ROAD
 ATTORNEY AT LAW
 ROCKY MOUNT, NC 27804

Trustee:
 Richard M. Stearns
 P.O. Box 2218
 Kinston, NC 28502

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: June 15, 2010

Richard M. Stearns
 Chapter 13 Trustee
 P.O. Box 2218
 Kinston, NC 28502

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**

IN RE:

CASE NUMBER: 10-01883-8-RDD

DANNY RAYMOND CLARK

CRYSTAL LYNN CLARK

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on April 16, 2010, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C. §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the Trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$2907.00 PER MONTH FOR 57 MONTHS

THE ANALYSIS OF THIS PLAN INDICATES THE GENERAL UNSECURED CREDITORS MAY NOT RECEIVE A DIVIDEND. IF FUNDS ARE AVAILABLE TO THE UNSECURED CLASS THE EXACT AMOUNT TO BE PAID EACH CLAIM CANNOT BE CALCULATED AT THIS TIME;

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before July 15, 2010 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before September 6, 2010 ("Government Bar Date") shall be disallowed;

7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below: ==

a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#822 RBC BANK	2 ND MORTGAGE	TO BE PAID DIRECT

b. Continuing Long Term Debts to be paid by the Trustee:

The Trustee will disburse regular ongoing monthly payments effective with the month indicated below with the Debtor to resume direct payments upon completion of plan payments. Arrearage through the month indicated will be paid in full over the term of the plan without interest as funds are available unless otherwise indicated. To receive disbursements, a creditor must file a proof of claim documenting a non-preferential perfected lien against the property. The Trustee will disburse the regular monthly payment indicated below unless an allowed filed claim indicates a different payment.

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#803 HORIZON LOANS	FIRST 1 ST MORTGAGE HOME	IF PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract. Arrearages, if any, to be paid over the life of the plan. Two post-petition contractual payments shall be included in the arrearage claim. (SEE PARAGRAPH 8 BELOW)

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#16 WACHOVIA'05 CHEV DEALER SERV		\$19358.34; TO BE PAID OVER THE TERM OF THE PLAN @ 5 ¼% INTEREST

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
#17 IRS	LIEN	\$26322.00 SECURED	TO BE PAID OVER THE TERM OF THE PLAN @ 5 ¼% INTEREST

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

Provided sufficient funds are available, and a proof of claim has been filed and allowed, the secured creditors listed above can expect to receive a minimum monthly payment equal to 1% of the value of their collateral.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with that November 5, 2009 Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: "Abandon," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b):

#8 ATLANTIC DISCOUNT, '99 CADILLAC, THE DEBTOR ABANDONS HIS INTEREST IN THE COLLATERAL. THE TRUSTEE WILL NOT PAY THIS CLAIM UNLESS A DEFICIENCY CLAIM IS FILED

#15 TIME FINANCING SERV, '97 FORD, THE DEBTOR ABANDONS HIS INTEREST IN THE COLLATERAL. THE TRUSTEE WILL NOT PAY THIS CLAIM UNLESS A DEFICIENCY CLAIM IS FILED

Reference herein to "Direct" or "Outside" or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 8 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
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NONE

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);

15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,000.00. The Trustee recommends to the Court a fee of \$3,000.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.
16. Other Provisions: The Chapter 13 plan will be deemed complete and shall terminate and a discharge shall be entered at the expiration of said duration [the estimated proposed duration of the plan] or, upon the motion of the debtor(s), with the payment in full of: (1) The following claims, proposed to be paid "inside" the plan, to the extent "allowed": (i) Arrearage claims on secured debts, (ii) Secured claims (not including those to be paid "outside" the plan), (iii) Unsecured priority claims, (iv) Cosign protect claims (only where the Debtor proposes such treatment), plus (2) The required dividend to unsecured, non-priority creditors, if any is required by 11 U.S.C. 1325(b). (For purposes of 11 U.S.C. 1325(b)(1)(B), "unsecured creditors" shall be deemed to mean all unsecured creditors, including both priority and non-priority unsecured creditors.)

RICHARD M. STEARNS

Standing Chapter 13 Trustee

EXHIBIT 'A'

DEBTORS: DANNY & CRYSTAL **CASE NUMBER:** 10-01883-8-RDD
CLARK

EMPLOYMENT:

Debtor: HOME SOLUTIONS GROSS INCOME: \$4,550.00
Spouse: WAL-MART \$950.04

Prior Bankruptcy Yes ☐ No ☒ If so, Chapter filed

cases:

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE @ 101 LENWOOD COURT

FMV	\$265,500.00	Date Purchased	
Liens	\$270,836.00	Purchase Price	
Exemptions		Improvements	
Equity	\$ 0.00	Insured For	
Rent		Tax Value	\$295,000.00

Description N/A

FMV		Date Purchased	
Liens		Purchase Price	
Exemption		Improvements	
Equity	\$ 0.00	Insured For	
Rent		Tax Value	

COMMENTS: THE ABOVE FMV CONSIDERS 10% REDUCTION FOR
HYPOTHETICAL LIQUIDATION EXPENSES.

<u>Attorney</u>	Requested:	\$3,000.00	(excluding filing fee)
<u>Fees:</u>	Paid:	\$342.00	(excluding filing fee)
	Balance:	\$2,658.00	

Trustee's Recommendation: \$3,000.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$291,013.02	Pay in	\$165,699.00	Priority	100.00%
Priority	\$7,997.05	Less 10.00%	\$16,569.90	Secured	100.00%
Secured	\$138,246.45	Subtotal	\$149,129.10	Unsecured	0.00%
Unsecured	\$144,769.52	Req. Atty. Fee	\$2,658.00	Joint	0.00%
Joint Debts	\$0.00	Available	\$146,471.10	Co-Debts	0.00%
Co-Debtor	\$0.00				

Annual Review: Yes ☒ No ☐

Payroll Deduction: Yes ☐ No ☒

Objection to Confirmation: Yes ☐ No ☒

Pending:
Resolved:

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Motions Filed: Yes ☐ No ☒

If so, indicate type and status:

Hearing Date:

CERTIFICATE OF MAILING

0014

Page 1 of 3

CASE: 1001883 TRUSTEE: 54 COURT: 278
 TASK: 06-14-2010.00548557.LSA000 DATED: 06/15/2010

Court Served Electronically

Trustee	Richard M. Stearns	P.O. Box 2218 Kinston, NC 28502
Debtor	DANNY RAYMOND CLARK	101 LENWOOD COURT KILL DEVIL HILLS, NC 27948
Joint	CRYSTAL LYNN CLARK	101 LENWOOD COURT KILL DEVIL HILLS, NC 27948
799	000002 MICHAEL B. SOSNA ATTORNEY AT LAW	3210 ZEBULON ROAD ROCKY MOUNT, NC 27804
036	000036 MIKE SIERAKOWSKI CHAPTER 13 BANKRUPTCY	301 BEAVER LAKE ROAD WARE, MA 01082
025	000025 ECAST SETTLEMENT CORP CHAPTER 13 BANKRUPTCY	PO BOX 35480 NEWARK, NJ 07193-5480
017	000017 INTERNAL REVENUE SERVICE INSOLVENCY CENTRALIZATION	P.O. BOX 21125 PHILADELPHIA, PA 19114-0000
032	000032 INTERNAL REVENUE SERVICE INSOLVENCY CENTRALIZATION	P.O. BOX 21125 PHILADELPHIA, PA 19114-0000
017	000048 INTERNAL REVENUE SERVICE INSOLVENCY CENTRALIZATION	P.O. BOX 21125 PHILADELPHIA, PA 19114-0000
017	000049 INTERNAL REVENUE SERVICE INSOLVENCY CENTRALIZATION	P.O. BOX 21125 PHILADELPHIA, PA 19114-0000
044	000044 SURGERY CENTER OF CHESAPEAKE CHAPTER 13 BANKRUPTCY	844 NORTH BATTLEFIELD BLVD. CHESAPEAKE, VA 23320
027	000027 CHESAPEAKE RADIOLOGISTS	PO BOX 1707 CHESAPEAKE, VA 23327
035	000035 CHESAPEAKE RADIOLOGISTS	PO BOX 1707 CHESAPEAKE, VA 23327
022	000022 ATLANTIC FINANCIAL	POB 15186 CHESAPEAKE, VA 23328
033	000033 JORDAN YOUNG INSTITUTE CHAPTER 13 BANKRUPTCY	5716 CLEVELAND STREET, SUITE 200 VIRGINIA BEACH, VA 23462-1784
051	000054 SE EMERGENCY PHYSICIANS POB 12907	C/O PRA RECEVIABLES MANAGERMENTS LL NORFOLK, VA 23541
018	000018 ACCOUNT MANAGEMENT CO. CHAPTER 13 BANKRUPTCY	PO BOX 120567 NEWPORT, VA 23612
028	000028 CREDIT CONTROL CORP.	PO BOX 120568 NEWPORT NEWS, VA 23612
034	000034 LABORATORY CORPORATION CHAPTER 13 BANKRUPTCY	PO BOX 2240 BURLINGTON, NC 27216
IRS	000004 IRS INSOLVENCY SUPPORT SERVICES	320 FEDERAL PLACE, ROOM 327 GREENSBORO, NC 27401
038	000038 NC DEPT. OF REVENUE ATTN: ANGELA FOUNTAIN	PO BOX 1168 RALEIGH, NC 27602-1168
NCREV	000005 NC DEPT OF REVENUE CHAPTER 13 BANKRUPTCY	PO BOX 1168 RALEIGH, NC 27602-1168
ESC	000003 EMPLOYMENT SECURITY COMMISSION CHAPTER 13 BANKRUPTCY	PO BOX 26504 RALEIGH, NC 27611
040	000040 PROFESSIONAL RECOVERY CHAPTER 13 BANKRUPTCY	PO BOX 51187 DURHAM, NC 27717-1187

CERTIFICATE OF MAILING

0014

CASE: 1001883 TRUSTEE: 54 COURT: 278
 TASK: 06-14-2010.00548557.LSA000 DATED: 06/15/2010

Page 2 of 3

053	000056	RBC CENTURA BANK PO BOX 1220	JEANNA HARRELL ROCKY MOUNT, NC 27802-1220
822	000014	RBC BANK (USA)	PO BOX 2155 ROCKY MOUNT, NC 27802-1225
041	000041	RBC BANK (USA)	PO BOX 2155 ROCKY MOUNT, NC 27802-1225
045	000045	OUTER BANKS HOSPITAL CHAPTER 13 BANKRUPTCY	PO BOX 8409 GREENVILLE, NC 27834-8409
048	000050	WILLIAM F. HILL, PA	PO BOX 2517 GREENVILLE, NC 27836
008	000008	ATLANTIC DISCOUNT CHAPTER 13 RECOVERY	PO BOX 2771 ELIZABETH CITY, NC 27906
015	000015	TIME FINANCING SERVICE BANKRUPTCY UNIT	P. O. BOX 2575 ELIZABETH CITY, NC 27906
006	000006	FDBA:OUTER BANKS THRIFT STORE, INC. CHAPTER 13 GANKRUPTCY	101 LENWOOD COURT KILL DEVIL HILLS, NC 27948
007	000007	DC ANTIQUES CHAPTER 13 BANKRUPTCY	101 LENWOOD COURT KILL DEVIL HILLS, NC 27948
021	000021	ATLANTIC DISCOUNTERS	PO BOX 2581 KILL DEVIL HILLS, NC 27948
043	000043	SUN REALTY, INC. CHAPTER 13 BANKRUPTCY	1500 SOUTH CROATAN HWY. KILL DEVIL HILLS, NC 27948
047	000047	DANNY RAYMOND CLARK CHAPTER 13 BANKRUPTCY	101 LENWOOD COURT KILL DEVIL HILLS, NC 27948
023	000023	BEACH MEDICAL CARE CHAPTER 13 BANKRUPTCY	5200 N. CROATAN HWY KITTY HAWK, NC 27949-0000
042	000042	REGIONAL MEDICAL CENTER	5200 N CROATAN HWY KITTY HAWK, NC 27949-0000
049	000051	SEAN M CORCORAN, ATTY AT LAW 5121 PARKWAY PLAZA DR, STE 300	BROCK & SCOTT CHARLOTTE, NC 28217
024	000024	CAPITAL ONE CHAPTER 13 BANKRUPTCY	PO BOX 71083 CHARLOTTE, NC 28272
039	000039	ONLINE COLLECTION SERVICES BANKRUPTCY DEPARTMENT PAYMENTS	PO BOX 1489 WINTERVILLE, NC 28590
020	000020	ASSET MANAGEMENT PROF. CHAPTER 13 BANKRUPTCY	PO BOX 2824 WOODSTOCK, GA 30188
031	000031	NATIONS RECOVERY CENTER, INC	6491 PEACHTREE INDUSTRIAL BLVD. ATLANTA, GA 30360
019	000019	ACCOUNTS RECOVERY	PO BOX 1673 BRUNSWICK, GA 31520
050	000053	GE MONEY BANK 25 SE 2ND AVENUE, STE 1120	RECOVERY MGMT SYS CORP. MIAMI, FL 33131
030	000030	HOME DEPOT	PO BOX 689100 DES MOINES, IA 50368-9100
046	000046	AMO RECOVERIES	6737 W WASHINGTON ST. STE 3118 MILWAUKEE, WI 53214
026	000026	MED DIRECT	POB 88073 CHICAGO, IL 60680
029	000029	CAROLINA TELEPHONE & TELEGRAPH CO.	M/S: PO BOX 7971 SHAWNEE MISSION, KS 66207-0971

CERTIFICATE OF MAILING

0014

Case 10-01883-8-SWH Doc 38 Filed 06/16/10 Entered 06/16/10 14:40:06 Page 10 of 10

CASE: 1001883 TRUSTEE: 54 COURT: 278
TASK: 06-14-2010.00548557.LSA000 DATED: 06/15/2010

Page 3 of 3

802	000009	FIRST HORIZON HOME LOANS MAIL CODE 6412	4000 HORIZON WAY IRVING, TX 75063
800	000010	FIRST HORIZON HOME LOANS MAIL CODE 6412	4000 HORIZON WAY IRVING, TX 75063
801	000011	FIRST HORIZON HOME LOANS MAIL CODE 6412	4000 HORIZON WAY IRVING, TX 75063
803	000052	FIRST HORIZON HOME LOANS MAIL CODE 6412	4000 HORIZON WAY IRVING, TX 75063
052	000055	WELLS FARGO DEALER SERVICES	POB 19657 IRVINE, CA 92623-9657
016	000016	WELLS FARGO DEALERS	POB 25341 SANTA ANA, CA 92799
037	000037	ROUNDUP FUNDING, LLC PO BOX 91121	MS 550 SEATTLE, WA 98111-9221

57 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 06/15/2010.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 06/15/2010 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail